

Appln No.: 10/582,163
Response date June 16, 2011
Reply to Restriction Requirement of March 16, 2011

REMARKS

Claims 39-43, 45-49 and 52-55 presently appear in this case. No claims have yet been examined on the merits. All of the claims have been subject to a unity of invention restriction requirement. Reconsideration and withdrawal of this requirement and examination of all of the claims now present in the case are respectfully urged.

The examiner states that the present claims are directed to two groups as follows:

Group I, claims 41, 42, 46, 48, 52-55 in full and each of claims 39, 40, 44, 45, 47 and 49-51 in part, drawn to a method for the treatment of a psychiatric disorder, disease or condition, comprising administering Copolymer 1, or a Copolymer 1-related peptide or polypeptide thereof.

Group II, claim 43 in full and each of claims 39, 40, 44, 45, 47 and 49-51 in part, drawn to a method for the treatment of a psychiatric disorder, disease or condition, comprising administering T cells activated with Copolymer 1, a Copolymer 1-related peptide or Copolymer 1-related polypeptide.

The examiner asserts that the application contains the above-mentioned inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1, and that the groups of

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inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. This requirement is respectfully traversed.

In order to be responsive, applicant elects Group I, claims 39-42, 45-49 and 52-55, drawn to a method for the treatment of a psychiatric disorder, disease or condition, comprising administering Copolymer 1, or a Copolymer 1-related peptide or polypeptide thereof.

The examiner asserts that the first recited technical feature appears to be a method of treating an individual having a psychiatric disorder, disease or condition comprising administering Copolymer 1. However, the examiner observes that Schwartz (*Cell Mol Neurobiol.* 2001; 21 (6):617-627) teaches that Copolymer 1 (Cop-1) may be used to treat chronic neurodegenerative disorders such as Alzheimer's disease (AD), which meets the limitation of a psychiatric condition according to the present invention in that AD is characterized as a memory loss disorder with cognitive impairment. Thus, the examiner is of the opinion that the technical feature of Group I does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

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Applicant wishes to draw the examiner's attention to the claim amendments filed herein, in which Alzheimer's disease has been excluded from the claimed subject matter by limiting the claims to a method for treatment of a psychiatric disorder, disease or condition selected from the group consisting of post-traumatic stress disorder (PTSD), depression, bipolar disorder and schizophrenia and related disorders. Thus, Schwartz cannot be considered novelty destroying art for the claims as amended and applicant therefore respectfully requests the restriction requirement to be withdrawn.

The examiner has determined that this application contains claims directed to more than one species of the generic invention. The examiner asserts that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Psychiatric Disorders

i) anxiety disorders - as in claims 45 and 46

ii) mood disorders - as in claim 47

iii) schizophrenia and related disorders - as in claims 48 and 49

iv) drug use and dependence - as in claim 50

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v) memory loss disorders - as in claim 51

The examiner asserts that different disorders comprise a diverse spectrum of medical disorders that are unique in terms of their diagnosis, etiology, pathology, and affected populations and therefore the different species do not relate to a general inventive concept under PCT Rule 13.1. Applicant has been required to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim. The examiner has identified claim 44 as the only generic claim.

In response, applicant elects (iii) schizophrenia and related disorders as the single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The claims readable to the elected species are claims 39-42, 48, 49 and 52-55.

Applicant wishes to point out that PCT Rule 13.1 does not provide for species election. Since the amended generic claim 39 includes sufficiently few species that a search and examination of all the species at one time would

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not impose a serious burden on the examiner, applicant respectfully requests the election requirement be withdrawn.

Prompt consideration on the merits and allowance of all of the claims now present in the case are earnestly solicited.

Respectfully submitted,

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